

109TH CONGRESS  
2D SESSION

# H. R. 5808

To authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize the Secretary of Transportation to make grants to public transportation agencies and over-the-road bus operators to improve security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Transportation  
5 Security Assistance Act of 2006”.

6 **TITLE I—PUBLIC**  
7 **TRANSPORTATION SECURITY**

8 **SEC. 101. FINDINGS; PURPOSE.**

9 (a) FINDINGS.—Congress finds that—

1           (1) throughout the world, public transportation  
2           systems have been a primary target of terrorist at-  
3           tacks, causing countless deaths and injuries;

4           (2) 5,800 public transportation agencies operate  
5           in the United States;

6           (3) 14,000,000 people in the United States ride  
7           public transportation each work day;

8           (4) safe and secure public transportation sys-  
9           tems are essential to the Nation's economy and for  
10          significant national and international public events;

11          (5) the Federal Transit Administration has in-  
12          vested \$84,500,000,000 since 1992 for construction  
13          and improvements to the Nation's public transpor-  
14          tation systems;

15          (6) the Federal Government appropriately in-  
16          vested \$19,600,000,000 in fiscal years 2002 through  
17          2006 to protect the Nation's aviation system and its  
18          2,000,000 daily passengers;

19          (7) the Federal Government invested  
20          \$380,000,000 in fiscal years 2003 through 2006 for  
21          grants to protect public transportation systems in  
22          the United States;

23          (8) the Federal Government has invested \$9.00  
24          in aviation security improvements per passenger, but

1       only \$0.01 in public transportation security improve-  
2       ments per passenger;

3           (9) the Government Accountability Office, the  
4       Mineta International Institute for Surface Transpor-  
5       tation Policy Studies, the American Public Trans-  
6       portation Association, and other experts have re-  
7       ported an urgent need for significant investment in  
8       transit security improvements;

9           (10) Federal financial assistance for transit se-  
10      curity improvements should be separate from and  
11      supplementary to funding for longstanding Federal  
12      programs for investment in public transportation in-  
13      frastructure;

14          (11) the Final Report of the National Commis-  
15      sion on Terrorist Attacks Upon the United States  
16      (also known as the “9/11 Commission”) found that  
17      the Federal Government should—

18           (A) identify and evaluate the transpor-  
19      tation assets that need to be protected, set risk-  
20      based priorities for defending them, and select  
21      the most practical and cost-effective ways of  
22      doing so;

23           (B) develop a plan, a budget, and funding  
24      to implement the effort; and

1 (C) assign roles and missions to the rel-  
2 evant authorities (Federal, State, regional, and  
3 local) and to private stakeholders;

4 (12) the Final Report of the 9/11 Commission  
5 also found that homeland security assistance should  
6 be based strictly on an assessment of risks and  
7 vulnerabilities; and

8 (13) the Federal Government has a duty to  
9 deter and mitigate, to the greatest extent prac-  
10 ticable, threats against the Nation’s public transpor-  
11 tation systems.

12 (b) PURPOSE.—The purpose of this title is to provide  
13 grants to public transportation agencies and over-the-road  
14 bus operators to improve security in a manner consistent  
15 with the recommendations of the 9/11 Commission de-  
16 scribed in subsections (a)(11) and (a)(12).

17 **SEC. 102. DEFINITIONS.**

18 In this title, the following definitions apply:

19 (1) PUBLIC TRANSPORTATION.—The term  
20 “public transportation” has the meaning given the  
21 term in section 5302(a) of title 49, United States  
22 Code.

23 (2) PUBLIC TRANSPORTATION SECURITY AS-  
24 SESSMENT.—The term “public transportation secu-  
25 rity assessment” means a risk assessment (including

1 a criticality or vulnerability assessment) of a public  
2 transportation system conducted pursuant to the  
3 annex executed under section 3028(b) of the Safe,  
4 Accountable, Flexible, Efficient Transportation Eq-  
5 uity Act: A Legacy for Users (49 U.S.C. 5321 note;  
6 119 Stat. 1624).

7 (3) SECRETARY.—The term “Secretary” means  
8 the Secretary of Transportation, except as otherwise  
9 specifically provided.

10 **SEC. 103. COMPONENTS OF SECURITY ASSESSMENTS AND**  
11 **PRIORITIZED PLANS.**

12 (a) SECURITY ASSESSMENTS.—The Secretary shall  
13 request that the Secretary of Homeland Security take nec-  
14 essary actions to ensure that the public transportation se-  
15 curity assessment of each public transportation system  
16 identifies—

17 (1) the critical assets of the public transpor-  
18 tation system;

19 (2) threats to those assets;

20 (3) security weaknesses in the public transpor-  
21 tation system and its assets;

22 (4) redundant and backup systems required to  
23 ensure the continued operation of critical elements  
24 of the public transportation system in the event of  
25 an attack or other incident; and

1           (5) the extent to which public transportation  
2       employees, including bus and rail operators, mechan-  
3       ics, customer service personnel, maintenance employ-  
4       ees, transit police, and security personnel, have re-  
5       ceived training in security awareness and public  
6       transportation system emergency response proce-  
7       dures.

8       (b) PRIORITIZED PLANS.—A public transportation  
9       agency that has received an assessment described in sub-  
10      section (a) shall develop, in consultation with the Sec-  
11      retary of Homeland Security, a prioritized plan of needed  
12      capital and operational security improvements based on  
13      the results of the assessment.

14   **SEC. 104. SECURITY ASSISTANCE GRANTS.**

15      (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—

16          (1) IN GENERAL.—The Secretary shall make  
17      grants directly to eligible public transportation agen-  
18      cies for capital security improvements described in  
19      paragraph (2).

20          (2) ALLOWABLE USE OF FUNDS.—Grant funds  
21      received under paragraph (1) shall be used for—

22              (A) tunnel protection systems;

23              (B) perimeter protection systems;

24              (C) redundant critical operations control  
25      systems;

1 (D) chemical, biological, radiological, or ex-  
2 plosive detection systems;

3 (E) surveillance equipment;

4 (F) inspection technology;

5 (G) communications equipment;

6 (H) emergency response equipment;

7 (I) fire suppression and decontamination  
8 equipment;

9 (J) global positioning or automated vehicle  
10 locator type system equipment;

11 (K) evacuation improvements;

12 (L) security training for transit employees,  
13 including bus and rail operators, mechanics,  
14 customer service employees, maintenance em-  
15 ployees, transit police, and security personnel;

16 (M) live or simulated drills; and

17 (N) other capital security improvements.

18 (3) GOVERNMENT'S SHARE.—A grant for a cap-  
19 ital security improvement project under this sub-  
20 section shall be for 80 percent of the net project cost  
21 of the project. The recipient may provide additional  
22 local matching amounts.

23 (b) OPERATIONAL SECURITY ASSISTANCE PRO-  
24 GRAM.—

1           (1) IN GENERAL.—The Secretary shall make  
2           grants directly to eligible public transportation agen-  
3           cies for operational security improvements described  
4           in paragraph (2).

5           (2) ALLOWABLE USE OF FUNDS.—Grant funds  
6           received under paragraph (1) shall be used for—

7                   (A) public awareness campaigns for en-  
8                   hanced public transportation security;

9                   (B) canine patrols for chemical, biological,  
10                  or explosives detection;

11                  (C) overtime reimbursement for enhanced  
12                  security personnel during significant national  
13                  and international public events, consistent with  
14                  the priorities established under subsection (e);  
15                  and

16                  (D) other appropriate security improve-  
17                  ments identified under subsection (e), including  
18                  hiring additional security personnel determined  
19                  necessary under subsection (e), but excluding  
20                  routine, ongoing personnel costs.

21           (3) GOVERNMENT’S SHARE.—A grant for an  
22           operating security improvement project under this  
23           subsection may not exceed 50 percent of the net  
24           project cost of the project.



1 (c) ELIGIBILITY.—A public transportation agency  
2 shall be eligible for a grant under this section if the agency  
3 has received or is undergoing a public transportation secu-  
4 rity assessment.

5 (d) ALLOCATIONS.—

6 (1) IN GENERAL.—The Secretary, in consulta-  
7 tion with the Secretary of Homeland Security, shall  
8 allocate grant funds under this section based on the  
9 results of public transportation security assessments  
10 described in section 103(a).

11 (2) RESPONSE TO URGENT THREATS.—After  
12 providing written notice to the Committee on Trans-  
13 portation and Infrastructure of the House of Rep-  
14 resentatives and the Committee on Banking, Hous-  
15 ing, and Urban Affairs of the Senate, the Secretary  
16 may adjust grant allocations under this subsection if  
17 the Secretary determines that the adjustment is nec-  
18 essary to respond to an urgent threat or other sig-  
19 nificant factors.

20 (e) SECURITY IMPROVEMENT PRIORITIES.—

21 (1) IN GENERAL.—The Secretary, in consulta-  
22 tion with the Secretary of Homeland Security, shall  
23 establish security improvement priorities for each  
24 public transportation agency receiving a public  
25 transportation security assessment.

1           (2) CONSULTATION; PRIORITIZED PLAN.—The  
2       Secretary shall establish priorities under paragraph  
3       (1)—

4           (A) in consultation with the management  
5       and employee representatives of the public  
6       transportation agency; and

7           (B) in a manner that is consistent with the  
8       system’s prioritized plan of needed capital and  
9       operational security improvements described in  
10      section 103(b).

11          (3) APPLICABILITY.—Priorities established  
12      under paragraph (1) shall apply to funds provided to  
13      a public transportation agency under this section.

14          (f) TRANSIT AGENCY RESPONSIBILITIES.—Each  
15      public transportation agency that receives a grant under  
16      this section shall—

17           (1) identify a security coordinator to coordinate  
18      security improvements;

19           (2) develop a comprehensive plan that dem-  
20      onstrates the agency’s capacity for operating and  
21      maintaining the equipment purchased under this  
22      section; and

23           (3) report annually to the Department of  
24      Transportation on the use of grant funds received  
25      under this section.

1 (g) GRANT REQUIREMENTS.—Except as otherwise  
2 specifically provided in this title, a grant provided under  
3 this section shall be subject to the terms and conditions  
4 applicable to grants made under section 5307 of title 49,  
5 United States Code, and to such other terms and condi-  
6 tions as are determined by the Secretary.

7 **SEC. 105. INTELLIGENCE SHARING.**

8 (a) INTELLIGENCE SHARING.—The Secretary shall  
9 request that the Secretary of Homeland Security provide  
10 appropriate and timely notification of all credible terrorist  
11 threats against public transportation assets in the United  
12 States.

13 (b) INFORMATION SHARING ANALYSIS CENTER.—

14 (1) ESTABLISHMENT.—The Secretary shall  
15 fund the reasonable costs of the Information Shar-  
16 ing and Analysis Center for Public Transportation  
17 (referred to in this subsection as the “ISAC”) estab-  
18 lished pursuant to Presidential Directive 63 to pro-  
19 tect critical infrastructure.

20 (2) PUBLIC TRANSPORTATION AGENCY PARTICI-  
21 PATION.—The Secretary—

22 (A) shall require those public transpor-  
23 tation agencies that the Secretary determines to  
24 be at significant risk of terrorist attack to par-  
25 ticipate in the ISAC;

1 (B) shall encourage all other public trans-  
2 portation agencies to participate in the ISAC;  
3 and

4 (C) shall not charge any public transpor-  
5 tation agency a fee for participation in the  
6 ISAC.

7 **SEC. 106. REPORTING REQUIREMENT.**

8 (a) IN GENERAL.—Not later than September 30,  
9 2007, the Secretary, in consultation with the Secretary of  
10 Homeland Security, shall submit to the Committee on  
11 Transportation and Infrastructure of the House of Rep-  
12 resentatives and the Committee on Banking, Housing, and  
13 Urban Affairs of the Senate a report that describes the  
14 implementation of sections 103 through 105. The Sec-  
15 retary may submit the report in classified and unclassified  
16 forms.

17 (b) CONTENTS.—The report shall include—

18 (1) a description of the state of public transpor-  
19 tation security in the United States; and

20 (2) a description of actions taken by Federal,  
21 State, regional, and local governments and private  
22 stakeholders to address threats to, and security  
23 weaknesses in, the public transportation system and  
24 its assets.

1 **SEC. 107. PUBLIC TRANSPORTATION EMPLOYEE SECURITY**  
2 **TRAINING PROGRAM.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary, in consulta-  
5 tion with the Secretary of Homeland Security, appropriate  
6 law enforcement, security, and terrorism experts, rep-  
7 resentatives of public transportation agencies, and rep-  
8 resentatives of public transportation employees, shall de-  
9 velop and issue guidelines for a public transportation em-  
10 ployee security training program to prepare public trans-  
11 portation employees for potential threat conditions.

12 (b) PUBLIC TRANSPORTATION AGENCY PRO-  
13 GRAMS.—

14 (1) IN GENERAL.—Not later than 90 days after  
15 the date on which Secretary issues guidance under  
16 subsection (a) in final form, each public transpor-  
17 tation agency that has received or is undergoing a  
18 public transportation security assessment shall de-  
19 velop an employee training program in accordance  
20 with such guidance.

21 (2) REVIEW AND APPROVAL.—Each public  
22 transportation agency referred to in paragraph (1)  
23 shall submit its employee training program to the  
24 Secretary for review and approval or amendment.

25 (3) IMPLEMENTATION.—Not later than one  
26 year after the date on which the Secretary approves

1 an employee training program of a public transpor-  
2 tation agency under paragraph (2), the agency shall  
3 complete employee training in accordance with such  
4 program with respect to the employees of the agency  
5 identified in the agency's public transportation secu-  
6 rity assessment. Other public transportation agency  
7 employees may also be trained under the agency's  
8 employee training program.

9 (c) REPORTING.—As part of the Secretary's report  
10 to Congress under section 106, the Secretary shall include  
11 an analysis of the extent to which public transportation  
12 agencies are successfully carrying out the employee train-  
13 ing programs described in this section.

14 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) CAPITAL SECURITY ASSISTANCE PROGRAM.—  
16 There is authorized to be appropriated to carry out section  
17 104(a)—

- 18 (1) \$775,000,000 for fiscal year 2007;  
19 (2) \$825,000,000 for fiscal year 2008; and  
20 (3) \$880,000,000 for fiscal year 2009.

21 (b) OPERATIONAL SECURITY ASSISTANCE PRO-  
22 GRAM.—There is authorized to be appropriated to carry  
23 out section 104(b)—

- 24 (1) \$400,000,000 for fiscal year 2007;  
25 (2) \$300,000,000 for fiscal year 2008; and

1 (3) \$200,000,000 for fiscal year 2009.

2 (c) INFORMATION SHARING AND ANALYSIS CEN-  
3 TER.—There is authorized to be appropriated to carry out  
4 section 105(b) \$1,000,000 for each of fiscal years 2007  
5 through 2009.

6 (d) PERIOD OF AVAILABILITY.—Sums appropriated  
7 pursuant to this section shall remain available until ex-  
8 pended.

9 **TITLE II—OVER-THE-ROAD BUS**  
10 **SECURITY ASSISTANCE**

11 **SEC. 201. EMERGENCY OVER-THE-ROAD BUS SECURITY AS-**  
12 **SISTANCE.**

13 (a) IN GENERAL.—The Secretary of Transportation,  
14 acting through the Administrator of the Federal Motor  
15 Carrier Safety Administration, shall establish a program  
16 for making grants to private operators of over-the-road  
17 buses for system-wide security improvements to their oper-  
18 ations, including—

19 (1) constructing and modifying terminals, ga-  
20 rages, facilities, or over-the-road buses to assure  
21 their security;

22 (2) protecting or isolating the driver;

23 (3) acquiring, upgrading, installing, or oper-  
24 ating equipment, software, or accessorial services for  
25 collection, storage, or exchange of passenger and

1 driver information through ticketing systems or oth-  
2 erwise, and information links with government agen-  
3 cies;

4 (4) training employees in recognizing and re-  
5 sponding to security threats, evacuation procedures,  
6 passenger screening procedures, and baggage inspec-  
7 tion;

8 (5) hiring and training security officers;

9 (6) installing cameras and video surveillance  
10 equipment on over-the-road buses and at terminals,  
11 garages, and over-the-road bus facilities;

12 (7) creating a program for employee identifica-  
13 tion or background investigation;

14 (8) establishing an emergency communications  
15 system linked to law enforcement and emergency  
16 personnel; and

17 (9) implementing and operating passenger  
18 screening programs at terminals and on over-the-  
19 road buses.

20 (b) FEDERAL SHARE.—The Federal share of the cost  
21 for which any grant is made under this section shall be  
22 80 percent.

23 (c) GRANT REQUIREMENTS.—A grant under this sec-  
24 tion shall be subject to all the terms and conditions that  
25 a grant is subject to under section 3038(f) of the Trans-



1 portation Equity Act for the 21st Century (49 U.S.C.  
2 5310 note; 112 Stat. 393).

3 (d) REPORT ON INDUSTRY PRIORITIES.—

4 (1) STUDY.—The Administrator of the Federal  
5 Motor Carrier Safety Administration shall conduct a  
6 study of—

7 (A) the critical assets and systems of the  
8 nationwide over-the-road bus industry;

9 (B) security threats to the assets and sys-  
10 tems;

11 (C) security weaknesses in the assets and  
12 systems; and

13 (D) redundant and backup systems re-  
14 quired to ensure the continued operation of crit-  
15 ical elements of the assets and systems in the  
16 event of an attack or other incident.

17 (2) CONSULTATION.—In conducting the study,  
18 the Administrator shall consult with representatives  
19 of private over-the-road bus operators and the em-  
20 ployees of such operators.

21 (3) REPORT.—Not later than 180 days after  
22 the date of enactment of this Act, the Administrator  
23 shall submit to the Secretary of Transportation and  
24 the Secretary of Homeland Security a report, based  
25 on the results of the study, detailing the critical as-

1 sets, threats, and weaknesses in the over-the-road  
2 bus industry. The Administrator shall update the re-  
3 port on an annual basis.

4 (e) ALLOCATION OF GRANTS.—The Secretary of  
5 Transportation, in consultation with the Secretary of  
6 Homeland Security, shall establish priorities for the allo-  
7 cation of grants under this section based on the report  
8 required by subsection (d)(3) and shall make grants under  
9 this section in accordance with those priorities.

10 **SEC. 202. PLAN REQUIREMENT.**

11 (a) IN GENERAL.—The Secretary of Transportation  
12 may not make a grant under section 201 to a private oper-  
13 ator of over-the-road buses until the operator has first  
14 submitted to the Secretary an application containing—

15 (1) a plan for making security improvements  
16 described in section 201 and the Secretary has ap-  
17 proved the plan; and

18 (2) such additional information as the Secretary  
19 may require to ensure accountability for the obliga-  
20 tion and expenditure of amounts made available to  
21 the operator under the grant.

22 (b) COORDINATION.—To the extent that an applica-  
23 tion for a grant submitted under this section proposes se-  
24 curity improvements within a specific terminal owned and  
25 operated by an entity other than the applicant, the appli-

1 cant shall demonstrate to the satisfaction of the Secretary  
2 that the applicant has coordinated the security improve-  
3 ments for the terminal with that entity.

4 (c) CONSULTATION WITH DHS.—In approving plans  
5 under subsection (a)(1), the Secretary may consult with  
6 the Secretary of Homeland Security.

7 **SEC. 203. OVER-THE-ROAD BUS DEFINED.**

8 In this title, the term “over-the-road bus” means a  
9 bus characterized by an elevated passenger deck located  
10 over a baggage compartment.

11 **SEC. 204. BUS SECURITY ASSESSMENT.**

12 (a) IN GENERAL.—Not later than 180 days after the  
13 date of enactment of this Act, the Secretary of Transpor-  
14 tation shall transmit to the Committee on Transportation  
15 and Infrastructure of the House of Representatives and  
16 the Committee on Commerce, Science, and Transportation  
17 of the Senate a preliminary report in accordance with the  
18 requirements of this section.

19 (b) CONTENTS OF PRELIMINARY REPORT.—The pre-  
20 liminary report shall include—

21 (1) an assessment of the over-the-road bus se-  
22 curity grant program;

23 (2) an assessment of actions already taken to  
24 address identified security issues by both public and  
25 private entities and recommendations on whether ad-

1       ditional safety and security enforcement actions are  
2       needed;

3           (3) an assessment of whether additional legisla-  
4       tion is needed to provide for the security of Ameri-  
5       cans traveling on over-the-road buses;

6           (4) an assessment of the economic impact that  
7       security upgrades of buses and bus facilities may  
8       have on the over-the-road bus transportation indus-  
9       try and its employees;

10          (5) an assessment of ongoing research and the  
11       need for additional research on over-the-road bus se-  
12       curity, including engine shut-off mechanisms, chem-  
13       ical and biological weapon detection technology, and  
14       the feasibility of compartmentalization of the driver;  
15       and

16          (6) an assessment of industry best practices to  
17       enhance security.

18       (c) CONSULTATION WITH INDUSTRY, LABOR, AND  
19       OTHER GROUPS.—In carrying out this section, the Sec-  
20       retary shall consult with over-the-road bus management  
21       and labor representatives, public safety and law enforce-  
22       ment officials, and the National Academy of Sciences.

23       **SEC. 205. FUNDING.**

24       There is authorized to be appropriated to the Sec-  
25       retary of Transportation to carry out this title

- 1 \$50,000,000 for each of fiscal years 2007 through 2009.
- 2 Such sums shall remain available until expended.

